IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CRIMINAL WRIT PETITION NO. 194 OF 2007

MAHENDRA KUVERJI CHHEDA .. PETITIONER

Versus

THE STATE OF MAHARASHTRA & ORS. RESPONDENTS

Mr. Jehangir Khajotia for petitioner

Mr. M. S. Mhambre, APP

Mr. Prakash Naik for R-2

CORAM:-SMT. RANJANA DESAI &
ANOOP V. MOHTA, JJ.

DATED:-6/2/2007

P.C.

. In this petition the petitioner has prayed that the process issued in case No. 239/PW/2005 inclusive of FIR No.122/2006 dated 16/6/2006 registered at Kalachowki Police Station on a complaint filed by Sonal Mahendra Chheda and the entire investigation under Section 494, 498(A), 406, 420 of IPC be quashed.

2. We have heard the learned counsel for the petitioner, the learned counsel for the 2nd

respondent and the learned APP.

3. We are informed that the petitioner and the 2nd respondent have amicably settled the dispute. The marriage between the petitioner and the 2nd respondent has been annulled by a decree of nullity dated 6/1/07. A copy of the decree is annexed to the petition at Exhibit-A. Consent terms filed in the Family Court at Mumbai are annexed to the petition at Exhibit-B.

4. The petitioner has agreed to pay to the 2nd respondent a sum of Rs.11,50,000/- as compensation. We are informed that the said amount has already been deposited by the petitioner in the Family Court at Mumbai. As per clause 5 of the Consent Terms, the 2nd respondent will be entitled to withdraw the said amount after the decree is passed and the 2nd respondent withdraws the criminal case filed by her under Section 498A of IPC and also issues letters to the Aviation Ministry and various Airlines withdrawing her complaints, made by her earlier.

5. Relying on the judgment of the Supreme Court in **B.S. Joshi & Ors. v. State of Haryana & Anr.**

2003 All MR (Cri.) 1162 (SC), the learned counsel for the petitioner urged that in view of the settlement the pending criminal prosecution be quashed. We may note that the petitioner and the 2nd respondent are present in the court and they have confirmed that the dispute between them is settled.

6. Considering the fact that the parties have amicably settled the dispute that the marriage between the two has been annulled by a decree of nullity, in the light of the judgment of the Supreme Court in **B. S. Joshi's case (supra)**, we find no difficulty in quashing the pending prosecution. Hence the following order:

. "Case No. 239/PW/2005 inclusive of FIR No.122/2006 dated 116/6/2006 registered at Kalachowki Police Station on a complaint filed by Sonal Mahendra Chheda and the entire investigation under Section 494, 498(A), 406, 420 of IPC are quashed.

. Petition is disposed of in the aforestated terms".

JUDGE.

JUDGE.